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February 1, 2019

VIA ECF AND FIRST-CLASS MAIL

Hon. Mark Falk, U.S.M.J.
United States District Court for the District of New Jersey
Martin Luther King Jr. Bldg. & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: *Amgen Inc., et al. v. Adello Biologics, LLC*
Civil Action No. 2:18-cv-03347 (CCC)(MF)

Dear Judge Falk:

This firm, together with Paul, Weiss, Rifkind, Wharton & Garrison LLP, represents Plaintiffs Amgen Inc. and Amgen Manufacturing Limited (collectively "Amgen") in connection with the above-referenced matter. We write to respectfully request the Court's permission to (1) file a Second Amended Complaint, (2) serve amended contentions on Defendant Adello Biologics, LLC ("Adello"), and (3) serve initial contentions on Defendants Amneal Pharmaceuticals, LLC and Amneal Pharmaceuticals, Inc. (collectively "Amneal"). Defendants Adello and Amneal do not oppose the relief requested herein. Additionally, Amgen and Amneal jointly submit the proposed briefing schedule on Amneal's anticipated motion to dismiss the Second Amended Complaint, and request that it be entered by the Court.

Amgen's proposed Second Amended Complaint, with all changes in redline, is attached hereto as Exhibit A. As reflected in the proposed Second Amended Complaint, Amgen is narrowing the issues in this case by no longer asserting claim 13 of U.S. Patent No. 9,840,878 or claims 9-10, 13-15, 19-21, 23, or 28-30 of U.S. Patent No. 9,643,997. Defendants do not object to Amgen's request to file the Second Amended Complaint.

So as to conform with its proposed amendments in the Second Amended Complaint, Amgen has also prepared an Amended Disclosure of Asserted Claims and Infringement Contentions as to Adello; Amgen respectfully requests the Court's permission to serve its amended contentions on Adello pursuant to Local Civil Rule 3.7, and Adello does not oppose Amgen's request. With respect to Amneal, Amgen has not yet served contentions on Amneal. Accordingly, Amgen respectfully requests the Court's permission to serve its Disclosure of Asserted Claims and Infringement Contentions, pursuant to Local Patent Rule 3.1, on Amneal; Amneal does not oppose Amgen's request.

Finally, the filing of Amgen's Second Amended Complaint will effectively terminate Amneal's pending motion to dismiss. (D.E. 70.) Pursuant to the parties' agreement, and the Court's Order, Amgen will file the Second Amended Complaint within 7 days of the Court's approving this Order, and Amneal will file an updated motion to dismiss within 7 days of the filing of the Second Amended Complaint. (D.E. 76.) Amgen and Amneal respectfully request that the

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deadline for Amgen's opposition be due 7 days after the filing of the motion to dismiss, and Amneal's reply be due 14 days after the filing of Amgen's opposition.

Should the foregoing requests meet with Your Honor's approval, we respectfully request that this letter be "So Ordered" and entered on the docket. Of course, should Your Honor require additional information, we will file a formal application at the Court's direction.

We thank the Court for its consideration, and should Your Honor or Your Honor's staff have any questions, we are always available.

Respectfully submitted,

s/Liza M. Walsh

Liza M. Walsh

Encl.

cc: All Counsel of Record (via ECF and Email)

SO ORDERED:

Hon. Mark Falk, U.S.M.J.